



The Judiciary, State of Hawai'i

Testimony to the House Committee on Judiciary

Representative Karl Rhoads, Chair

Representative Joy A. San Buenaventura, Vice Chair

Thursday, February 12, 2015, 2:00 p.m.

Room 325

by

Tom Mick

Policy and Planning Department Director

Bill No. and Title: House Bill No. 290, Relating to the Judiciary.

Purpose: To provide biennium operating and capital improvement appropriations for FYs 2016 and 2017.

Judiciary's Position:

The Judiciary strongly urges your support of House Bill No. 290, with the revisions suggested by the Judiciary on the attached document. This revised House Bill reflects the Judiciary's resource requirements for FYs 2016 and 2017.

During the joint informational budget briefing to the members of the Senate Committee on Ways and Means and the House Committee on Finance on January 6, 2015, we provided detailed information on our biennium budget request, our current appropriation and expenditures, and on our caseload and revenue contributions to the State. During that briefing, it was strongly suggested by the Chairs that, in light of the current economic situation and the collective bargaining increases which together left very little room for any discretionary funding, we relook at our budget request and possibly consider a more conservative approach, something which the Executive Branch was in the process of doing. Accordingly, we did review and revise our biennium budget request from more than 75 new permanent positions and \$5 million in additional funding for FYs 2016 and 2017, as shown in House Bill No. 290, to 22/24 new permanent positions and \$2.1/\$2.6 million in additional funding for FYs 2016/2017, respectively, as reflected in the suggested, revised, attached House Bill. A second attachment shows our original submission by individual request and the revisions made.



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Two of our biennium budget requests relate to funding needed for salary adjustments, the first being \$342K in FY 2016 and \$690K in FY 2017 for the annual two percent salary increase for justices and judges set by the 2013 Commission on Salaries. The second request results from a bill passed by the Legislature last year which established a mechanism to adjust the salaries of the Administrative Director and Deputy Administrative Director of the Courts – the Administrative Director's salary would be equal to that of the Administrative Director of the State and the Deputy Administrative Director's salary would be at 95% of the salary of the Administrative Director of the Courts. This salary adjustment equates to \$6K in FY 2016 and \$11K in FY 2017.

Five biennium budget requests relate to our specialty courts/programs in the First Circuit. As the Judiciary has moved away from simply adjudicating cases and administering justice to trying to help treat the individual and avoid incarceration if possible, specialty courts/programs have become increasingly important and taken on a much greater role. For three of these courts/programs, grant funding is coming to an end and funds and positions are needed to sustain them as permanent programs in the Judiciary. Specifically, for Veterans Treatment Court, \$91K in FY 2016 and \$106K in FY 2017 is being requested for the Coordinator position previously provided by the Legislature without any funding, and for an additional Social Worker position so as to expand services and increase clientele from 14 currently active to a goal of 30. For the Driving While Intoxicated (DWI) Court, funding of about \$155K is requested each year for a Coordinator position; supplies and equipment for the program; and electronic monitoring, incentives, and treatment services for the offenders. The Hawai'i Zero to Three Program, which focuses on the needs and well-being of infants and toddlers who have been removed from parental custody due to abuse and/or neglect, needs funding of about \$89K for a Program Coordinator position and a Clerk position to oversee operations and continue services for its current 16 active cases. The Girls Court and the Mental Health Court, two programs which have been in existence for more than 10 years, are also requesting additional funding and/or permanent positions. For Girls Court, \$60K is needed to provide mental health services for these girls, which currently has 62 active clients in the program. The Mental Health Court request is for a no-cost conversion of two positions from temporary to permanent status, a new Social Worker position, and additional funding for client services and mental health assessments. The permanent positions would provide stability to the court, make it easier to recruit, and permit expansion from the current 40 clients to the originally envisioned 60. Both stability to and expansion of this court are needed as the number of probationers with severe mental health illness has grown in recent years and continues to grow.

In addition to the requests for specialty courts/programs, three other requests relate to First Circuit – two for the Juvenile Detention Facility (JDF) in Kapolei and one for the Land and Tax Appeal Court. The JDF is requesting eight additional permanent juvenile detention



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positions – two supervisors and six workers – to adequately staff the facility and come closer to meeting staffing standards recommended by the American Corrections Association; to oversee and supervise JDF staff; to reduce detention related overtime costs which exceeded \$800K in FY 2014; and to ensure a safe, secure, and therapeutic environment. The JDF also needs a permanent Nurse Practitioner position, costing about \$99K in FY 2016 and \$96K in FY 2017, to manage the medical unit at the JDF; supervise the assigned nurses; ensure adherence to policies, procedures, and nursing protocols; and collaborate with staff, parents, probation officers, and other professionals. Further, a Nurse Practitioner can also diagnose and treat certain medical conditions which is especially important since the physicians for the JDF are contract and only available at the JDF one and one-half hours Monday, Wednesday, Thursday, and Friday. A temporary clerk position and funding of a little over \$30K annually are being requested for FYs 2016 and 2017 for the Land and Tax Appeal Court to address a significant backlog of cases not created in HAJIS (Hawai'i Judicial Information System) dating to November 2012.

Second, Third, and Fifth Circuit each have one biennium budget request. In 2013, the National Center for State Courts conducted a comprehensive security assessment of the courts in Second Circuit. Based on its recommendations, an additional three contract security guards costing about \$105K annually are needed at three entry points – one each on the third and fourth floor of Hoapili Hale, our main court building on Maui, and one for the Adult Client Services Branch which is located in a separate building with 32 employees of which 28 are probation officers. Third Circuit is requesting two positions and funding of \$89K in FY 2016 and \$75K in FY 2017 to establish Ho'okele self-help service centers in Kona and Hilo, something the Judiciary has done elsewhere and which has become increasingly important with the continuing increase in self-litigants. Ho'okele means "wayfinder," and is an access to justice issue and an area of focus for the Judiciary. For Fifth Circuit, an additional Family Court judge and two staff positions costing \$262K in FY 2016 and \$255K in FY 2017 are needed to address a continuing increase in filings, complexity of cases, time to schedule/hear cases, balance workload, etc. The one Family Court judge currently in Fifth Circuit was responsible for 7,638 cases in FY 2014, significantly higher than the 2,553 caseload per Family Court judge in Second Circuit and the 2,880 caseload per Family Court judge in Third Circuit.

Courts of Appeal also has one biennium budget request, that being for \$150K in FY 2016 and \$140K in FY 2017 for a Staff Attorney position and an Appellate Clerk position for the Intermediate Court of Appeals (ICA). With the restructuring of the appellate court system in 2006, almost all appeals are filed with and resolved by the ICA. The number of appeals and motions filed has been increasing, as has the complexity and fundamental importance of the appeals, which together impose greater demands on judicial resources and the need for additional positions. For example, the number of motions filed with the ICA has increased by more than 25% since FY 2007, that is, from about 2,300 in FY 2007 to an average 3,000 for FYs 2013 and 2014.



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Judiciary Administration has five biennium budget requests – one each related to electricity and risk management and three related to training. Judiciary Administration is responsible for electricity costs in the Honolulu area, and these costs have increased from \$2.25 million in FY 2011 to an average of \$2.75 million for FYs 2012 through 2014. The budget for electricity has averaged \$2.45 million during this period so this budget request for \$300K annually is to cover this \$300K shortfall. For risk management, which is basically self – insurance, the Department of General and Accounting Services recently reviewed its property valuations and increased the Judiciary’s property valuation from \$70 million in FY 2008 to \$349 million for FYs 2016 and 2017. This has translated to a \$315K allocation to the Judiciary for FYs 2016 and 2017, some \$189K more than we paid in FY 2012 and the reason for this budget request. Training for the Judiciary is a focus item for the Judiciary as it has been identified by both management and staff as a significant area of concern, to ensure that new staff and judges are fully aware of the Judiciary’s policies and procedures, and existing personnel are familiar with new developments and processes. The \$34K being requested annually for judges’ training is for an annual one-day conference to focus on issues such as bias and cultural awareness; barriers to access to justice; current issues unique to the judicial system; and new or revised laws, court rules, sentencing/treatment options, trends in law, etc. Another \$32K is being requested annually for staff on-line training which would allow employees to maintain and improve their knowledge and technical skills relative to their work. Lastly, an additional Judicial Education Specialist position costing \$57K in FY 2016 and \$56K in FY 2017 is needed to assist in creating and developing staff training programs, conducting needs assessments to determine training needs, evaluating and recommending changes to current programs, reviewing and assessing training materials from outside sources, disseminating relevant information to employees, etc.

Capital Improvement Program requirements continue to be a major item of concern as the Judiciary’s infrastructure continues to age and deteriorate, and as the population served and corresponding demand for services provided by the Judiciary keep increasing. But, as with the general fund biennium budget request, it was suggested that we pare down our original submission from its eight separate requests and \$62.5 million in FY 2016 and three requests and \$9.4 million in FY 2017. We did so and while we retained \$3 million each year for lump sum funding, we eliminated all the other requests except for the \$55 million in construction funding that we are requesting in FY 2016 for the Kona Judiciary Complex, our number one priority item this and the last few years (see attachment). While the Legislature generously provided \$35 million last year for FY 2015 towards the Kona Judiciary Complex, the additional \$55 million is needed to bring our total to \$90 million, the amount needed to go out to bid in FY 2016 for construction. This is especially important since the \$35 million in funding provided for FY 2015 will lapse at the end of FY 2016, as stated in Part VI, Section 9 of Act 133, SLH 2013: “Any law or provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized in part II and listed in part IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations



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made for fiscal year 2013-2014 and fiscal year 2014-2015 that are unencumbered as of June 30, 2016, shall lapse as of that date.” Not receiving the full \$55 million being requested this session would mean that the project could not go out to bid; would likely significantly delay it and result in a much higher cost whenever built; and would be a disservice to the West Hawai‘i community which is acutely in need of a new, modern, one-stop, centralized, safe, secure, efficient court complex with adequate parking.

The proposed, revised biennium budget is the Judiciary’s best estimate of the resources necessary to maintain the integrity of the courts and to fulfill our statutory, constitutional, and public service mandates. The Judiciary respectfully requests your support of House Bill No. 290, the Judiciary’s biennium budget request, with the proposed revisions.

Thank you for the opportunity to testify on this measure.

A BILL FOR AN ACT

RELATING TO THE JUDICIARY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I. GENERAL PROVISIONS

SECTION 1. This Act shall be known and may be cited as the
Judiciary Appropriations Act of 2015.

SECTION 2. Unless otherwise clear from the context, as used
in this Act:

(a) "Program ID" means the unique identifier for the specific
program, and consists of the abbreviation for the judiciary (JUD)
followed by a designated number for the program.

(b) "Means of Financing," or "MOF," means the source from
which funds are appropriated, or authorized, as the case may be, to
be expended for the programs and projects specified in this Act.

All appropriations are followed by letter symbols. The letter
symbols, where used, shall have the following meanings:

A General funds

B Special funds

C General obligation bond funds

H.B. NO. 290

Proposed H.D.1

1 N Other federal funds

2 W Revolving funds

3 (c) "Position ceiling" means the maximum number of permanent
4 positions authorized for a particular program during a specified
5 period or periods, as noted by an asterisk.

6 **PART II. PROGRAM APPROPRIATIONS**

7 SECTION 3. The following sums, or so much thereof as may be
8 sufficient to accomplish the purposes and programs designated
9 herein, are appropriated or authorized from the sources of funding
10 specified to the judiciary for the fiscal biennium beginning July
11 1, 2015, and ending June 30, 2017. The total expenditures and the
12 number of permanent positions established in each fiscal year of
13 the fiscal biennium shall not exceed the sums and the position
14 ceilings indicated for each year, except as provided in this Act.

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Proposed H.D.1

PROGRAM APPROPRIATIONS

				<u>A P P R O P R I A T I O N S</u>			
ITEM	PROG.	PROGRAM	EXPENDING	FISCAL	M	FISCAL	M
NO.	ID		AGENCY	YEAR	O	YEAR	O
				2015-16	F	2016-17	F
1		THE JUDICIAL SYSTEM					
2							
3		1. JUD101 - COURTS OF APPEAL					
4				73.00	*	73.00	
5		*					
6		OPERATING	JUD	6,713,337	A	6,853,202	
7		A					
8							
9		2. JUD310 - FIRST CIRCUIT					
10				1,079.50	*	1,081.50	
11		*					
12		OPERATING	JUD	81,161,138	A	82,640,460	
13		A					
14				41.00	*	41.00	
15		*					
16			JUD	4,144,799	B	4,150,321	
17		B					
18							
19		3. JUD320 - SECOND CIRCUIT					
20				207.00	*	207.00	
21		*					
22		OPERATING	JUD	16,254,566	A	16,519,724	
23		A					
24							
25		4. JUD330 - THIRD CIRCUIT					
26				230.00	*	230.00	
27		*					
28		OPERATING	JUD	19,234,980	A	19,502,658	
29		A					
30							
31		5. JUD350 - FIFTH CIRCUIT					
32				102.00	*	102.00	
33		*					
34		OPERATING	JUD	7,641,347	A	7,768,127	
35		A					
36							

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Proposed H.D.1

1	6. JUD501 - JUDICIAL SELECTION COMMISSION				
2			1.00	*	1.00
3	*				
4	OPERATING	JUD	93,418	A	93,418
5	A				
6					
7	7. JUD601 - ADMINISTRATION				
8			228.00	*	228.00
9	*				
10	OPERATING	JUD	25,461,371	A	25,963,848
11	A				
12			1.00	*	1.00
13	*				
14		JUD	7,976,193	B	7,989,841
15	B				
16		JUD	343,261	W	343
17	,261	W			
18	INVESTMENT CAPITAL	JUD	58,000,000	C	
19	3,000,000	C			
20					

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Proposed H.D.1

PART III. PROGRAM PROVISIONS

SECTION 4. Provided that whenever the need arises, the chief justice, in administering an equitable and expeditious judicial process, may transfer sufficient funds and positions between programs for operating purposes; provided further that no transfer shall be made to implement any collective bargaining contract signed after this legislature adjourns sine die.

SECTION 5. Provided that if the chief justice, or any agency, or any government unit secures federal funds or other property under any act of Congress, or any funds or other property from private organizations or individuals which are to be expended in connection with any program or works authorized by this Act, or otherwise, the chief justice, or the agency with the chief justice's approval, may enter into the undertaking with the federal government, private organization, or individual.

SECTION 6. Provided that the judiciary is authorized to transfer savings from its general fund appropriation to the driver education and training fund to accommodate any temporary cash flow deficits.

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PART IV. CAPITAL IMPROVEMENT PROJECTS

SECTION 7. The sum of \$61,000,000 appropriated or authorized in Part II of this Act for capital improvement projects shall be expended by the judiciary for the projects listed below; provided that several related or similar projects may be combined into a single project, if a combination is advantageous or convenient for implementation; and provided further that the total cost of the projects thus combined shall not exceed the total of the sums specified for the projects separately. The amount after each cost element and the total funding for each project listed in this Part are in thousands of dollars.

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CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL NO.	PROJECT TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL	M	FISCAL	M
				YEAR	O	YEAR	O
				2015-16	F	2016-17	F
1		THE JUDICIAL SYSTEM					
2							
3		JUD601 - ADMINISTRATION					
4							
5	1.	KONA JUDICIARY COMPLEX, HAWAI'I.					
6							
7		CONSTRUCTION FOR A NEW JUDICIARY					
8		COMPLEX AT KONA, HAWAI'I.					
9		CONSTRUCTION		55,000			
10		TOTAL FUNDING	JUD	55,000	C		0 C
11							
12	2.	LUMP SUM CIP FOR JUDICIARY FACILITIES,					
13		STATEWIDE.					
14							
15		PLANS, DESIGN, CONSTRUCTION, AND					
16		EQUIPMENT FOR GENERAL ALTERATIONS,					
17		UPGRADES, AND IMPROVEMENTS TO JUDICIARY					
18		FACILITIES, STATEWIDE.					
19		PLANS		10			10
20		DESIGN		75			75
21		CONSTRUCTION		2,900			2,900
22		EQUIPMENT		15			15
23		TOTAL FUNDING	JUD	3,000	C		3,000 C
24							
25							

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PART V. ISSUANCE OF BONDS

SECTION 8. General obligation bonds may be issued, as provided by law, to yield the amount that may be necessary to finance projects authorized in Part II and listed in Part IV of this Act; provided that the sum total of the general obligation bonds so issued shall not exceed \$61,000,000.

PART VI. SPECIAL PROVISIONS

SECTION 9. Any law or any provision of this Act to the contrary notwithstanding, the appropriations made for capital improvement projects authorized in Part II and listed in Part IV of this Act shall not lapse at the end of the fiscal year for which the appropriations are made; provided that all appropriations made for fiscal year 2015-2016 and fiscal year 2016-2017 which are unencumbered as of June 30, 2018, shall lapse as of that date.

SECTION 10. The judiciary is authorized to delegate to other state or county agencies the planning, acquisition of land, design, construction, and equipment of any capital improvement project when it is determined by the judiciary to be advantageous to do so.

SECTION 11. All unrequired balances in the general obligation bond fund, after the objectives of Part II appropriations for capital improvements program purposes listed as projects in Part IV of this Act have been met, shall be transferred to the judiciary project adjustment fund.

SECTION 12. If the amount allocated from the general obligation bond fund for a capital improvement project listed in

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1 Part IV of this Act is insufficient, the chief justice may make
2 supplemental allotments from the project adjustment fund; provided
3 that supplemental allotments shall not be used to increase the
4 scope of the project.

5 SECTION 13. Where it has been determined that changed
6 conditions, such as a reduction in the particular population being
7 served, permit the reduction in the scope of a project listed in
8 Part IV of this Act, the chief justice may authorize such reduction
9 of project scope.

10 SECTION 14. The chief justice shall determine when and the
11 manner in which the authorized capital improvement projects shall
12 be initiated. The chief justice shall notify the governor from
13 time to time of the specific amounts required for the projects, and
14 the governor shall provide for those amounts through the issuance
15 of bonds authorized in Part V of this Act.

16 SECTION 15. Any law or any provision of the law to the
17 contrary notwithstanding, the chief justice may supplement funds
18 for any cost element for a capital improvement project authorized
19 under this Act by transferring such sums as may be needed from the
20 funds appropriated for other cost elements of the same project by
21 this Act or by any other prior or future Act that has not lapsed;
22 provided that the total expenditure of funds for all cost elements
23 for the project shall not exceed the total appropriation for that
24 project.

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PART VII. MISCELLANEOUS PROVISIONS AND EFFECTIVE DATE

SECTION 16. If any portion of this Act or its application to any person or circumstances is held to be invalid for any reason, the remainder of the Act and any provision thereof shall not be affected. If any portion of a specific appropriation is held to be invalid for any reason, the remaining portion shall be independent of the invalid portion and shall be expended to fulfill the objective and intent of the appropriation to the extent possible.

SECTION 17. If any manifest clerical, typographical, or other mechanical error is found in this Act, the chief justice is authorized to correct the error. All changes made pursuant to this section shall be reported to the legislature at its next regular session.

SECTION 18. This Act shall take effect on July 1, 2015.

INTRODUCED BY: _____

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1 **Report Title:**

2 Judiciary; Appropriations

3

4 **Description:**

5 Appropriates funds for the judiciary for the fiscal biennium
6 beginning July 1, 2015, and ending June 30, 2017. Effective

7 July 1, 2015.

Judiciary
Proposed Budget Additions

Table 6

	Recommend no change											
	Recommend request adjustment - see footnotes											
	Recommend request deletion						FY16				FY17	
<u>Prog ID</u>	<u>Addition Type</u>	<u>Prog ID Priority</u>	<u>Dept- Wide Priority</u>	<u>Description of Addition</u>	<u>Justification</u>	<u>MOF</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>
ALL	FC		1	Judges salary differential	To cover 2% judges salary increase set by the 2013 Commission on Salaries.		-		341,556		-	689,797
JUD 601	FC		2	Admin Dir /Deputy AD salary differential	To cover pay adjustments authorized by 2014 Legislature in Act 180. Prior to 180, there was no mechanism to adjust/increase the Admin Dir /Deputy AD salaries.	A	-	-	5,569	-	-	11,255
JUD 601	FC		3	Electricity	Additional funding to address increased electricity costs for Honolulu facilities.	A	-	-	300,000	-	-	300,000
JUD 310	AR		4	Veterans Court - Funding 1 Coordinator Position; 1 new Soc Wkr IV position	With federal grant expiring, state funded resources are needed to continue program and increase clientele to 30 individuals.	A	1.00	-	91,437	1.00	-	106,116
JUD 310	AR		5	Mental Health Court; 1 new Soc Wkr IV position, 2 position conversions; add mental health assessment and client services funds	Permanent positions would provide stability to court and permit expansion of clientele to 60 individuals.	A	3.00	-	129,214	3.00	-	124,914
JUD 310	AR		6	HHJDF - 2 Juv Det Supv & 6 Juv Det Wkr positions	1] Positions needed to adequately staff the facility, oversee and supervise staff, reduce overtime, and ensure a safe, secure, and therapeutic environment.	A	8.00	-		8.00	-	
JUD 310	AR		7	HHJDF - Establish 1 Nurse Practitioner position	Position needed to supervise nursing staff and manage the medical unit at the Juvenile Detention Facility; also could treat/diagnose certain medical conditions.	A	1.00	-	99,018	1.00	-	96,168
JUD 320	AR		8	Three contract security attendants - 2nd Circuit	Additional contract security attendants will assist in following the recommendations of the NCSC which conducted a comprehensive security assessment of Second Circuit's court facilities and found safety issues and the need for additional security at entry locations.	A	-	-	109,180	-	-	105,000
JUD 350	AR		9	One Family Court Judge and Staff - 5th Circuit	2] With only one Family Court judge on Kauai, additional judge/staff needed to address continuing increase in filings, complexity of cases, and time to schedule/hear cases.	A	3.00	-	261,828	3.00	-	254,976
JUD 330	AR		10	5 DC Clerks: 2 Hilo, 2 Kona, 1 Waimea for In-Court Processing - 3rd Circuit	Staffing needed to provide real-time data entry and ensure timely processing of court orders/judgements for In-Court Processing of District Ct. criminal cases.	A	5.00	—	225,425	5.00	—	189,900
JUD 320	AR		11	3 DC Clerks for In-Court Processing - 2nd Circuit	Staffing needed to provide real-time data entry and ensure timely processing of court orders/judgements for In-Court Processing of District Ct. criminal cases.	A	3.00	—	127,976	3.00	—	113,940
JUD 310	AR		12	4 DC Clerks for In-Court Processing - 1st Circuit	Staffing needed to provide real-time data entry and ensure timely processing of court orders/judgements for In-Court Processing of District Ct. criminal cases.	A	4.00	—	160,920	4.00	—	151,920
JUD 310	AR		13	Land Court - 1 Jud Clk II position	3] Position needed to address backlog of cases/documents to be inputted into Judiciary's case management system, and to help with daily operational needs.	A	-	1.00	33,486	-	1.00	31,236
JUD 310	AR		14	Establish a permanent DWI Court	4] With federal grant expiring, state funded resources are needed to continue program and attain long term goal of reducing recidivism, reducing court caseload, and improving roadway public safety.	A	1.00	-	155,280	1.00	-	157,182
JUD 330	AR		15	Two Court Bailiff Positions - 3rd Circuit	Currently no bailiff for one of two Hilo Family Ct. judges and for Kohala/Hamakua area (position lost during economic downturn).	A	2.00	—	76,924	2.00	—	70,224
JUD 601	NR		16	MCU for videoconferencing	Replacement of existing, aging MCU systems which are essential for conducting multi-point conferences and moving forward with various 'access' projects.	A	—	—	389,956	—	—	0
JUD 310	AR		17	Zero to Three Court - 1 Coordinator Soc Wkr V and 1 Clerk III Position	5] With federal grant expiring, state funded resources are needed to continue program; currently 16 active cases.	A	-	-	0	2.00	-	88,552
JUD 330	AR		18	IT Supervisor position for Kona	Currently, one IT Technician for Hilo, one for Kona; Kona Technician unable to cover 5 separate and distant locations in West Hawaii; new position would supervise both Kona and Hilo Technicians.	A	1.00	—	57,150	1.00	—	56,202

Judiciary
Proposed Budget Additions

Table 6

<u>Prog ID</u>	<u>Addition Type</u>	<u>Prog ID Priority</u>	<u>Dept- Wide Priority</u>	<u>Description of Addition</u>	<u>Justification</u>	<u>MOE</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>
JUD 330	AR		19	Establish Hookele in Kona and Hilo	The increasing number of individuals coming to the courts as well as the rise in self-represented litigants have created the need for Hookele (self help service centers) in both Hilo and Kona.	A	2.00	-	88,994	2.00	-	74,784
JUD 601	AR		20	Risk Management Increase	Due to changes in DAGS property valuations and corresponding cost allocations for the Judiciary, additional funding is required.	A	-	-	189,035	-	-	189,035
JUD 320	AR		21	Re-establish 2 Soc Wkr positions and add new Soc Wkr and Jud Clk positions - 2nd Circuit	Restoration of positions lost during budget cuts and new positions required to meet the increasing supervision demands of the Adult Client Svcs Branch.	A	2.00		88,706	4.00		190,936
JUD 601	AR		22	Temporary Appellate Mediator position for CADR	Position needed to mediate complex and time-consuming civil appeals that are not appropriate for volunteers in the Hawaii Appellate Mediation program. Would help declutter court calendar, lessen costs to parties involved.	A		1.00	58,728		1.00	60,780
JUD 101	AR		23	Staff Attorney and Appellate Court Clerk for ICA	Positions needed to cover increased workload for ICA resulting from 2006 change to Appellate Court System.	A	2.00	-	149,585	2.00	-	139,998
JUD 601	AR		24	Increase bandwidth for Jud WAN and 32 UPS units	The increased bandwidth is needed to resolve internal issues relating to email, applications, and software.	A			0			451,000
JUD 601	AR		25	Training for judges	Funding for Judges' training will help the judges to keep up on new/revised laws, amended court rules, sentencing/treatment options, trends in criminal/civil/family law, Federal and State court decisions, and innovative courtroom practices.	A	-	-	33,728	-	-	33,728
JUD 601	AR		26	Training for staff	Funding for staff training will help to ensure that employees' technical skills and knowledge are maintained/enhanced and do not become obsolete and negatively impact efficiency and customer service.	A	-	-	32,140	-	-	32,140
JUD 601	NR		27	WORDPRESS	New WORDPRESS Platform needed to accommodate increased volume and improve customers experience with Judiciary's website.	A			30,000			30,000
JUD 601	AR		28	Convert temp Secretary position to Permanent	Conversion of tempoary position needed due to a recent reorganization which left the Financial Services Department Head without a permanent Secretary position.	A	1.00		0	1.00		0
JUD 310	AR		29	Adult Client Svcs Branch (HOPE and ICIS) Convert 10 Temp Positions to Perm	Conversion of temporary positions to permanent status will help to retain staff and provide stability to the HOPE and ICIS programs.	A	10.00		0	10.00		0
JUD 310	AR		30	Girls Court - Convert 7 temp positions to perm; add mental health svcs	Conversion of temporary positions to permanent status will help to retain staff and provide stability to the Girls Court program, and funding for mental health services would address clients' needs.	A	-	-	60,000	-	-	60,000
JUD 601	AR		31	Program Specialist position for Restitution Unit	Position will oversee Restitution Unit which was recently established in response to a 1998 State Audit which concluded that the Judiciary should strengthen its collection of fines/restitutions.	A	1.00		48,228	1.00		49,914
JUD 601	NR		32	Records Mgmt - microfilm scanner to digitize records	Equipment needed to address/digitize court records infected with vinegar syndrome and thereby curtail spread of the syndrome to other microfilm reels.	A			83,000			0
JUD 601	AR		33	Judicial Education Specialist position	Current staffing levels within the Judicial Education Office are not sufficient to fully support the Judiciary's renewed efforts to increase training for all employees.	A	1.00	-	57,485	1.00	-	56,202
JUD 330	AR		34	Soc Svcs Asst IV position for Kona Adult Probation Operations	Position is needed to address the administrative banking cases (lowest level of supervision) to allow probation officers to focus on managing higher risk offenders.	A	1.00		35,125	1.00		29,988

Judiciary
Proposed Budget Additions

Table 6

<u>Prog ID</u>	<u>Addition Type</u>	<u>Prog ID</u> <u>Priority</u>	<u>Dept- Wide</u> <u>Priority</u>	<u>Description of Addition</u>	<u>Justification</u>	<u>MOE</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>
JUD 320	AR		35	Re-establish Account Clerk IV position	Restoration of position lost during budget cuts required to address significant workload within Second Circuit fiscal section.	A	1.00		35,109	1.00		32,460
JUD 601	AR		36	IT Specialist position for Application Support	Various technology related projects have been put on hold due to insufficient staff. New position would provide the support to initiate the deferred projects and assist Judiciary staff with their computer application needs.	A	1.00		56,550	1.00		56,202
JUD 330	AR		37	Convert temp clerk position to permanent - Kona District Ct.	Conversion of temporary positions to permanent status will help to retain staff and provide stability to the Kona fiscal section.	A	1.00		0	1.00		0
JUD 330	AR		38	Judicial Clerk position for the Kona Family Ct Legal Docs Section	Additional Jud Clerk position will create greater efficiency by eliminating the need to borrow staff from other sections to address significant workload and backlog.	A	1.00		38,341	1.00		31,236
JUD 310	AR		39	Fiscal (Cashiers Sections) - 5 Positions for Cir Ct (2), Kapolei (1) and Dist Ct (2)	Positions needed to replace staff transferred to Kapolei complex and to address significant increases in fiscal workload and demands.	A	5.00		183,012	5.00		168,312
JUD 310	AR		40	JCSB - POS funds for Juvenile Reporting Centers	Reporting Centers provide structured educational, recreational and skills training to juveniles as an alternative to detention by focusing on prevention and intervention.	A			250,000			250,000
JUD 310	AR		41	Establish 1 Jud Clk III position for Family Court Domestic Division Calendar Section	Position needed to assist other clerks with significant workload including court calendars, case files, public/staff inquiries.	A	1.00		35,970	1.00		33,720
JUD 330	AR		42	Judicial Clerk position for vacant cashier window in Hilo	Additional Jud Clerk position will create greater efficiency by eliminating the need to borrow staff from other sections to address significant workload and backlog.	A	1.00		35,970	1.00		33,720
JUD 320	AR		43	Restore/increase legal counsel funding	Additional funding will assist the Second Circuit in addressing increasing and well in excess of budget legal counsel expenditures, and help it to ensure the rights of parents in child protective proceedings.	A			144,000			144,000
JUD 330	AR		44	Two Special Duty Police Officers - Kona	Until now, PSD had been unable to provide sufficient sheriff coverage for the Kona Court facilities. The legislature had only provided one-year funding for FY 2014, therefore, an additional year of funding is being requested.	A			148,200			0
						A	22.00	1.00	2,137,535	24.00	1.00	2,551,083
					Original Requests	A	76.00	1.00	5,050,674	78.00	1.00	5,213,513
					Requests Deleted (Red)	A	(41.00)	(1.00)	(2,309,290)	(43.00)	(1.00)	(2,144,454)
					Requests Amended (Net Adjustment - Yellow)	A	(13.00)	1.00	(603,849)	(11.00)	1.00	(517,976)
					Recommended Request Total	A	22.00	1.00	2,137,535	24.00	1.00	2,551,083

Judiciary
Proposed Budget Additions

Table 6

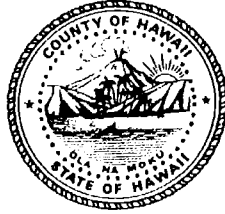
<u>Prog ID</u>	<u>Addition Type</u>	<u>Prog ID Priority</u>	<u>Dept-Wide Priority</u>	<u>Description of Addition</u>		<u>Justification</u>	<u>MOE</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>	<u>Pos (P)</u>	<u>Pos (T)</u>	<u>\$\$\$</u>
1]	HHJDF original request - FY16 - 8.00/\$404,496 & FY17 - 8.00/\$404,496 (Per Senator Tokuda: request position counts only)												
2]	5th Circ Family Court Judgeship original request - FY16 - 5.00/\$336,144 & FY17 - 5.00/\$324,192 (delete 2 positions)												
3]	Land Court Jud Clk I original request - FY16 - 1.00/\$33,486 & FY17 - 1.00/\$31,236 (change from perm to temp)												
4]	DWI Court original request - FY16 - 2.00/\$207,008 & FY17 - 2.00/\$207,096 (delete 1 position)												
5]	Zero to Three Court original request - FY16 - 2.00/\$73,309 & FY17 - 2.00/\$82,902 (move to 2nd year)												
6]	Girls Court original request - FY16 - 7.00/\$60,000 & FY17 - 7.00/\$60,000 (remove position conversions)												

Judiciary
Capital Improvements Program (CIP) Requests

<u>Prog ID</u>	<u>Prog ID</u> <u>Priority</u>	<u>Dept- Wide Priority</u>	<u>Senate District</u>	<u>Rep. District</u>	<u>Project Title</u>	<u>MOF</u>	<u>FY16 \$\$\$</u>	<u>FY17 \$\$\$</u>
JUD 601	1	1	3	6	KONA JUDICIARY COMPLEX, HAWAI'I	C	55,000	-
JUD 601	2	2	13	26	KA'AHUMANU HALE FIRE ALARM SYSTEM UPGRADE AND IMPROVEMENTS, O'AHU	C	2,719	-
JUD 601	3	3	13	26	KA'AHUMANU HALE ELEVATOR SYSTEMS UPGRADE AND MODERNIZATION, O'AHU	C	100	5,000
JUD 601	4	4	13	26	KA'AHUMANU HALE BASEMENT LEAK REPAIRS AND IMPROVEMENTS, O'AHU	C	260	
JUD 601	5	5	24	49	KĀNE'OHE DISTRICT COURT FACILITY GENERATOR BACK-UP SYSTEM, O'AHU	C	150	1,350
JUD 601	6	6	13	26	KAUIKEAOULI HALE NEW FIRE SUPPRESSION SYSTEM FOR JUDICIARY CENTRAL DATA CENTER, O'AHU	C	280	
JUD 601	7	7	8	15	KAUA'I JUDICIARY COMPLEX BUILDING EXTERIOR REMEDIAL IMPROVEMENTS, KAUA'I	C	950	
JUD 601	8	8	Statewide	Statewide	LUMP SUM C I P FOR JUDICIARY FACILITIES, STATEWIDE	C	3,000	3,000
					Initial Budget Submission Totals (Before Strikethroughs)		62,459	9,350
					Revised Budget Submission Totals (After Deletions/Strikethroughs)		\$ 58,000	\$ 3,000
					REVISED (1/27/15)			

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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 290

A BILL FOR AN ACT RELATING TO THE JUDICIARY

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Joy A. San Buenaventura, Vice Chair

Thursday, February 12, 2015, 2:00 p.m.
State Capitol, Conference Room 325

Honorable Chair Rhoads, Vice-Chair San Buenaventura, and Members of the Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 290.

This measure appropriates funds for the judiciary for the fiscal biennium beginning July 1, 2015 and ending June 30, 2017.

We are supporting the continued funding for the Kona Judiciary Complex. The Legislature committed approximately 35 million dollars in appropriations, and this Bill will appropriate the balance of the funds to begin construction in the amount of 55 million dollars.

A few of the issues regarding this facility are:

- The current facilities lack proper security protection for judges, attorney's litigants, jurors and the general public;
- There is inadequate accessibility to individuals with disabilities with 2 stalls available on the DOH side of the building, and 2 stalls next to a dialysis center. These stalls are usually occupied, which requires persons with disabilities to walk up about 35 steps to the building entrance;
- There are 2 holding cells, each with a suggested capacity of 4 people; however, the sheriff's department has had to put upwards of 20 individuals in these cells at a time. Recently, a riot broke out in one of these over-crowded cells which caused immense security and safety concerns;

- The only jury assembly area is the outside courtyard, which is shared by the public, defendants, prosecutors, victims and witnesses. There have been numerous occasions where a person would testify and then have to walk past the defendant's family in order to leave the area. This is a serious incident just waiting to happen.

This problems facing this facility are at a critical level and require immediate attention, as we see no reduction in the caseload to be heard at the Kona Judiciary Complex.

The Office of the Prosecuting Attorney, County of Hawai'i supports the passage of House Bill No. 290. Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read 'M. Roth', with a long horizontal flourish extending to the right.

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i



February 11, 2015

TESTIMONY TO HOUSE COMMITTEE ON JUDICIARY
HEARING: THURSDAY, FEBRUARY 12, 2015 AT 2:00 P.M.

TO: Honorable Chairman Karl Rhoads, Vice Chairwoman Joy San
Buenaventura and Members of the House Committee on Judiciary

FROM: Robert D. S. Kim
Legislative Committee 2015
West Hawaii Bar Association ("WHBA")

RE: H.B. 290 – RELATING TO THE JUDICIARY
SPECIFICALLY THE KONA JUDICIARY COMPLEX FUNDING

The WHBA is supporting the continued funding for the Kona Judiciary Complex included in H. B. 290. The Judiciary is seeking \$90 million dollars for the construction of the facility. The Hawaii State Legislature is committed to this project having committed approximately \$35 million dollars in appropriations. H. B. 290 seeks the balance of the funds to commence construction in a budget request for Fiscal Year 2015-2016 in the amount of \$55 million dollars.

The Kona Judiciary Complex has been the number one (1) CIP priority for the Judiciary for the past several years. The Kona Judiciary Center will serve all of the attorneys and citizens on the Island of Hawaii.

Security is a critical problem with the current facilities. I have included a letter to the editor was published by a juror in a sexual assault trial in Kona. I have included her comments for your review as they are relevant to this debate. I have also attached news articles in the past month that have highlighted a riot that took place in the cellblock at the court house, and a recent escape attempt.

We are humbly and respectfully requesting your continued support of the project. We thank the leadership on this committee, and the members for inspecting the current judiciary facilities in West Hawaii on previous occasions. I know your members

are familiar with our plight. I have included in my testimony current information which supports the construction of the Kona Judiciary Center.

6A

OPINION

MONDAY, MARCH 24, 2014 | WEST HAWAII TODAY

LETTERS | YOUR VOICE

whit@aloha.net

More parking needed at courthouse

A short while ago, you printed an article about the lack of funds for a courthouse in West Hawaii.

I had the pleasure of being on a jury recently and I was actually present when one of the jurors had a run-in with one of the lawyers.

The space in front of the courthouse is very limited. In fact, most of the visitors have to park up above and walk down a steep road to get to court.

I tried arriving early just to get a space and was successful once. After that, I ended up parking up top where a security guard directs parking to maximize parking space for everyone. We need a parking area that has a slot for the judge, the four lawyers and room for the 12 jurors as well as the alternate. Only the visitors and spectators should have to park in a free public parking area.

I have witnessed the lawyers walking down to court in rubber slippers and changing into

proper footwear once on level ground, I have also witnessed an irate juror who was told that a stall was reserved for someone. He was so upset that he entered the deliberation and workroom cursing and talking loudly about the incident. This should not have taken place as the said juror would have been the select juror to read out our verdict. As a result, that juror was dismissed and we were each questioned about whether this incident would cause us to sway our vote. Of course I'm sure we all

said the same thing, that the incident had nothing whatsoever to do with the case at hand. We were able to come to a unanimous verdict and everyone went on their way.

I have found that jury duty is quite interesting and fun. I met so many nice people that were generous with their treats and information on health.

This incident verified the fact that we in West Hawaii really need a courthouse with ample parking.
Colleen Miyose-Wallis
Kailua-Kona

There is a critical need to consolidate the courts and support services in West Hawaii. This project is currently the number one priority on the Judiciary's CIP list. Currently, the District and Circuit Court of the Third Circuit Court, Kona Division, located in Kealahou, Hawaii is located along side the State Department of Health facilities in a multi-purpose building known as the Keakealani Building that was built in 1939, and is dilapidated, and overcrowded.

There is also a Circuit Court for the Big Island Drug Court (BIDC), Veterans Court and Criminal and Civil calendars, located blocks away that is leased. The Family Court is miles away and is also leased. The Keakealani Building was originally the old Kona Hospital and was built by the Public Works Administration almost 70 years ago under President Franklin Roosevelt.

There are four (4) courts located in West Hawaii, at three (3) different locations. None of these "court facilities" were originally designed for court use.

The original site chosen for the Complex had been moved due to the discovery of a endangered species. The new site allows for expansion and parking and is located in Kailua-Kona. To keep the costs of project down, the Judiciary has been deeded the project site at virtually no cost to the State from the land owners Queen Liliokalani Trust

The State is currently paying high costs for maintaining the current court facilities. The current lease agreements are as follows:

- Lenders Document Building
- 81-940 Haleki'i St (Kona Div 3, Drug Court Client)
- Driver Education (Kealakekua Business Plaza)
- Kona Circuit Court storage (renewed annually)

Lender's Document Building (77-6399 Nalani St., Kailua-Kona, HI)

The Judiciary leases the 2nd and 3rd floor. The 2nd floor is for Family Court and staff that support Family Court (i.e. legal docs) and Juvenile Client Services. The 3rd floor is for Adult Probation Services.

The total **monthly lease amount is \$18,728** (\$224,736.36 per year), janitorial services included.

Circuit Court Division 3/Drug Court (81-940 Haleki'i St., Kealakekua, HI)

This space is for Circuit Court Division 3(Judge Ibarra's court) and Drug Court Probation.

The total **monthly lease amount is \$9,658** (\$115,899 per year).

In addition to the lease amount, Judiciary pays for contract janitorial services at this location in the amount of \$1,041.00 per month (\$12,500.00 per year)

Driver Education (Kealakekua Business Plaza)

This space is for Driver Education staff and classes (DUI classes, Driver Improvement classes, etc) .

The total **monthly lease amount is \$5,297** (\$63,568 per year).

Circuit Court Storage

Payment for off-site storage of files is necessary because we do not have enough space at the Keakealani Bldg.

The **total monthly cost is \$2,403** (\$28,837 per year).

Kona Courier Services

Once the courts are consolidated to a new building, these costs will end. We will still have to pay for intra-island courier between Hilo and Kona, but that is not included in this amount shown. - **\$1,087 per month** (\$13,051 per year).

Total monthly lease and facility-related costs: \$38,216

Total annual lease and facility-related costs: \$458,593

LAPSING OF CIP FUNDS

The WHBA is concerned that if CIP funds are not appropriated to commence construction, that previously appropriated funds will begin to lapse. In Fiscal Biennium (FB) 2013-2015, via Act 133 / 2013–Regular Session, as amended by Act 127 / 2014–Regular Session, the Legislature appropriated \$35.0 million of the \$90 million requested for the project. These funds will lapse **June 30, 2016**. The Judiciary’s current request to the Legislature in the 2015 Session for the remaining \$55.0 million, if appropriated, would become effective July 1, 2015, and would lapse on **June 30, 2018**.

This Honorable Committee should be aware that both sets of funds, totaling the \$90.0 million needed to be able to put the project out to bid, would be available together for only the one-year period from July 1, 2015 to June 30, 2016. This makes it absolutely crucial that the total \$55.0 million be funded for FY 2016 during the 2015 legislative session because if the TOTAL \$55.0 million is not so appropriated, then we will be in the unthinkable position, after the aforementioned \$35.0 million from FB 2013-2015 lapses on June 30, 2016, of not having the full \$90 million in hand to be able to put the project out to bid for construction.

This would result in an unavoidable delay to the project, since we would have to wait for the Legislature to authorize new funding in either the 2016 and/or 2017 Session(s), by which time more than the current \$35.0 million difference will be required. Under those circumstances, the presently projected occupancy time frame of the spring of 2019 would be pushed back to calendar year 2020 at the earliest.

It is with great concern that funds for any project-related efforts that may be expended in anticipation of the bid-out occurring within the identified one-year period of

July 1, 2015 to June 30, 2016, or for such permits and other mandated approvals and reviews, could well be nullified, and would have to be repeated or reinitiated.

Similar obsolescence could occur relative to the project's design and bidding documents, should applicable regulations and/or product availability in the construction industry marketplace change in the intervening period. In addition, anticipated costs to construct the building would likely increase beyond the \$90 million currently needed.

CRITICAL SECURITY CONCERNS

The current facilities lack proper security protection for the judges, attorney's, litigants, jurors and the general public. The amount of serious security breaches are escalating and the public safety is in jeopardy.

Here is a photograph of the Kona District Court "holding cell". There are no toilets and insufficient room to hold all pre-court custodies. These detainees are crowded into this area right next to the general public. Recently a distraught detainee began to pound his head against the wall, which punched a hole in the wooden structure, in plain view of the public. The detainee was screaming at the top of his lungs while the sheriffs sought to detain him and protect him from hurting himself.

This incident was viewed by the public, including mothers and young children waiting in the court yard. This area is depicted below.



Our citizens are not safe at the Kona court facilities.

Here is a photograph of “security fence” that protects the Kona District and Circuit Court. An inmate recently squeezed through the fence, and attempted an escape. Inmates, pretrial detainees and arrested person pass through this area. As noted above, if detained citizens have to use the bathroom while being held, the Sheriffs will escort the inmate to the public bathrooms located outside of the security entrance. Members of the public are asked to stay out of the bathroom until the inmate is finished. Then the inmate is escorted back to the holding area. The inmates must pass the general public, jurors and children when being transported to the bathrooms. This happens numerous times throughout the day.

The “security fence” provides no security. Anyone can jump over the fence, as it is limited in height. Guns and other weapons maybe thrown over the fence. Contraband can be thrown over the fence. It is very easy to bypass the security screening at the entrance to the Court.

Our citizens are not safe at the Kona court facilities.



Kona woman caught trying to escape from courthouse | KHON2



Kona woman caught trying to escape from courthouse

By Web Staff

Published: January 29, 2015, 4:25 pm | Updated: January 29, 2015, 4:26 pm



Cheyanne Collins

A woman faces an escape charge after an unsuccessful attempt to run from a Kona courthouse.

It happened at around 11 a.m.

According to the Department of Public Safety, Cheyanne Collins was in a holding cage outside District Court and managed to squeeze out through a small space in the locked double gate.

Within minutes, deputy sheriffs captured her in the parking lot without incident.

Collins was wearing handcuffs and leg shackles.

She was transported to the Hawaii Community Correctional Center where she is being held on \$2,000 bond for an unrelated case.



**LIONS
CLAW PAST
WILDCATS**
SPORTS, 1B



**ENERGY EXECS
GRILLED BY
LAWMAKERS**
PAGE 6A

West Hawaii Today

THURSDAY, JANUARY 29, 2015

WESTHAWAII.TODAY.COM

75¢

Holding cell ruckus disrupts Kona court

BY BRET YAGER
WEST HAWAII TODAY
byager@westhawaii.com

Longstanding security and logistical shortcomings at the Kona Courthouse came to glaring light Monday when detainees in a holding block went ballistic, putting operations in at least one courtroom on hold for an hour.

The disruption was so loud that proceedings in a nearby courtroom had to be canceled, judiciary officials said.

An adult corrections officer, whose name is being withheld, said that nine male detainees plugged a toilet, flooded the cellblock and hurled water bombs made out of plastic sandwich bags.

"It's tight quarters. Nine guys in there, and tensions are going to flare up," the officer said.

The detainees apparently became upset when they were not offered lunch, the officer said. That was because they had already eaten their lunches in the vans during transport to the courthouse, he said, estimating that about five corrections officers were on

SEE COURTHOUSE PAGE 5A

COURTHOUSE: Judiciary pushing for new facility

CONTINUED FROM PAGE 1A

hand when the problem occurred in the lower level of the Keakealani Building.

No one appeared to be injured in the incident, but the detainees carried on for a good hour until five corrections officers arrived as backup from a training in Waimea. One man told officers it would take mace to subdue him, but the group as a whole cooperated once reinforcements arrived.

The officer said he and other ACOs were concerned about safety issues from flooding and electrical outlets during the disruption.

Tammy Mori, spokeswoman for the Hawaii State Judiciary, said the cellblock sustained minor damage. The state Department of Accounting and General Services, which oversees the property, is doing a damage tally, she said. The cellblock area was cleaned and sanitized after the incident, she said.

Lawyers who use the courthouse are nervous following the disruption, Kealakekua attorney Robert Kim said.

"That place is just waiting for something bad to happen," Kim said. "I would construe what happened as a jail riot."

Toni Schwartz, spokeswoman for the Department of Public Safety, said it is typical to have that many detainees in a cellblock, as they are brought over all at once from Hawaii Community Correctional Center in Hilo.

"All of our cellblocks



The cellblock at the Kona Courthouse is seen where detainees threw bags of toilet water on Monday.
CONTRIBUTED PHOTO

are pretty full," she said. "We do our best with what we have."

The detainees were transported back to HCCC and fed, and disciplinary action is pending, Schwartz said.

The incident occurred just two days before Wednesday's State of the Judiciary address, in which Hawaii Supreme Court Chief Justice Mark Recktenwald described the West Hawaii courts carrying on business "in buildings that were not designed as courthouses, which in turn has led to severe security, logistical and operational problems."

The Judiciary is expected to be in a full-court press this legislative session for the final \$55 million in state funding needed to build a new courthouse complex in Kailua-Kona.

KEAKELANI BUILDING (Old Kona Hospital) Located in Kealahou, about ten (1) miles from the main hub of Kailua-Kona



Current Building Utilization

- Serving the western portion of the Island of Hawai'i in the Third Circuit, the Kona Circuit Court Division 4 and District Court occupy the Old Kona Hospital. Generally, there are between 4,800 and 5,600 court users accessing the Keakealani Building every month.
- Originally built in 1939, this facility was renovated in 1984 for Judiciary operations, which at the time was intended to be temporary.
- This facility is 13,46 sq ft. of court and administrative offices, and shares space with the Department of Health.
- The facility is owned by the State and maintained by DAGS.
- The facility houses one Circuit Court, one District Court, their respective support offices and Judiciary Administrative offices.

Functional Space Adequacy

- This facility is cramped and overcrowded, and was not originally designed for court use.



- The only "jury assembly area" is the outside courtyard, which is shared by the public, defendants, attorneys and parties to cases.
- Department of Public Safety (DPS) Sheriff's Division has ten (10) positions that were originally assigned to Kona, with one (1) secretary. In 2013, two (2) of those ten (10) positions were reassigned by the Sheriff's Division to South Kohala. The legislature approved and funded DPS to hire eight (8) new deputies to cover the Kona section, and they are expected to start in December, 2014, after completion of recruit class. This information, however, should be verified with DPS/Sheriff's Division.

- Access by detainees from the holding cells to the courtroom requires transportation of detainees up and down a flight of stairs.



- The facility was designed as a hospital so circulation throughout the building is awkward and inadequate for custody movement.
- This facility is not ADA compliant.
- There are no expansion opportunities on this site.

Public Accommodations and Accessibility

- The public accommodations in and around the building are extremely inadequate.
- There is insufficient parking, including not enough handicap stalls. Often the public must park in areas not designated for Judiciary parking such as at the hospital, or in non-designated parking areas on the side of the road.



- Additionally, there is no designated waiting area for the public. There is a courtyard in between the Circuit Court and District Courts, where the public gathers prior to going into the courtrooms.
- A new jury room was constructed in 2011, which included a paved and covered lanai area. This has helped to provide some public accommodations.
- Sheriffs must walk prisoners through the public courtyard area to get to and from the courtrooms, which compromises security.
- There is no building directory, and no public information booth.
- There is accessibility to individuals with disabilities; however, it is inadequate. The Keakealani Building is old and has about 35 steps from the bottom parking lot to the main building entrance. The only wheelchair access is from the two (2) stalls on the Department of Health side of the building and the two (2) stalls in the back next to a dialysis center, which are all usually full.
- The air conditioning is old (from the 1980s) and in disrepair, resulting in frequent (almost weekly) outages and service calls. Due to the age of the AC unit, DAGS has had difficulty with repairs. Due to the costs for a new system, DAGS has been unable to replace the system. This AC issue has resulted extremely warm conditions in often extremely crowded courtrooms.



Building Security

- Security features in place include a centralized public entrance with security screening, restriction of public access to offices, limited building alarms/emergency annunciation, and surveillance cameras.
- Non-segregated circulation for prisoners is a security concern because the custodies are moved throughout the building in the same halls as the public and employees.



- The courtyard area is open and only a chain-link fence surrounds it for security purposes. It can be easily scaled during the night by perpetrators who can hide weapons until the next court day.
- There are (2) two holding cells, each with a suggested capacity of four (4) people. However, the sheriffs have said this is inadequate, and that they have had to put more than four (4) people in a cell at a time, at times upwards of 20 individuals, which poses a number of safety and security concerns.

Circuit Court Division 3/Drug Court – Haleki'i Street - located about 2 miles from the Keakealani Bldg in Kealahou



Current Building Utilization

- This is a privately owned facility that we lease for \$9,658 per month (\$115,899 per year).
- This facility houses the Circuit Court Division 3 courtroom, judicial and clerical staff as well as Drug Court Probation staff.
- Generally, there are between 2,500 and 3,400 court users accessing this building every month.
- Circuit Court Division 3 handles felony cases, civil cases involving amounts between \$10,000 and \$25,000 and jury trials. HOPE probation and Drug Court cases are also handled in this court.
- Drug Court Probation supervises and oversees Drug Court probationers.
- There are ten (10) parking stalls for the public and staff. There are eleven (11) employees at this building with no room for expansion.

Public Accommodations and Accessibility/Security

- There is only security screening for the court side of the building. The probation office has a separate entrance with no security screening.

- The space is inadequate for Circuit Court functions. There is no jury assembly area, so jury sign in is done outside. The jury room is shared as a lunchroom for the court staff



Driver Education – Kealakekua Business Plaza



Current Building Utilization

- This is a privately owned facility leased by the Judiciary for **\$5,297 per month** for 2180 sq ft.
- The classroom housed in this facility is used for DUI/OVUII courses, a Zero Tolerance and Prohibitions Involving Minors Course, a Defensive Driving Course, a Child Passenger Restraint Course and a Driver Improvement class (for excessive speeders, reckless drivers, etc). There are 2 staff at this location.

Lender's Building — located on the corner of Nalani Street and Mamalahoa Hwy in Kailua-Kona (approx. 7 miles up a 2 lane highway from the Keakealani Bldg)



Current Building Utilization

- This is a privately owned facility where we lease the 2nd and 3rd floors for \$18,728 per month (\$224,736 per year). There are other government agencies as well as private businesses on the 1st floor.
- Houses Family Court and Juvenile Client Services Branch on the 2nd floor and Adult Probation Intake and Supervision Units on the 3rd floor. There are approximately 25 Judiciary employees at this building.
- Judiciary has occupied the space for about 24 years and within the past few years had to expand into additional office for the Probation Division on the 3rd floor due to overcrowding and safety issues.
- The building was originally constructed as residential in 1982.
- The Family Court hears legal matters involving children. These include delinquency, dependency, adoption, detention, divorce, etc. Family Court also hears civil commitment, guardianships of adults, and adult abuse cases. The Family Court in each circuit handles both juvenile and adult matters which come under its jurisdiction.
- The Juvenile Client Services Branch (Juvenile Intake Crisis Unit and Juvenile Supervision Unit) monitors and supervises juveniles who have been adjudicated by the court for law violations and status offenses.

- The Adult Client Services Branch provides pre-sentence investigation reports to the courts and supervises adult offenders, including HOPE cases.
- Officers in Juvenile Client Services and Adult Probation each have individual offices but there is no room for expansion.
- Generally, there are between 3,000 and 3,900 people accessing the courts and probation offices at the Lender's Building every month.

Space Observations

- The interview room and conference room are used for storage and both are filled to capacity.
- There are no holding cells and, sometimes, detainees are held in the general public waiting area.
- Public accommodations are inadequate. On busy days, the court waiting area becomes overcrowded.
- The third floor is not accessible to the physically disabled.

Functional Space Adequacy

- The interview room and conference room are used for storage areas and both are filled to capacity.
- There are no holding cells at the Kona Family Court and therefore, the interview room is generally used for custodies. If this room is in use, the custodies are held in the general waiting area.

Public Accommodations and Accessibility

- The limited public accommodations are inadequate. On heavy calendar days, the waiting area for Family Court is insufficient due to lack of space. Custodies are moved and held in the same public area, adding to the already crowded environment.
- The public waiting area for both the Juvenile and Adult Client Services Branch are in the hallway.

- The third floor is not accessible to the physically disabled.
- Due to the aging building, there are regular problems with roof leaks, pests, air conditioning problems, plumbing issues causing limits on availability of restrooms, etc.



As a practicing attorney, I know firsthand that there exists a severe parking shortage whereby designated parking stalls are provided for the general public and staff to share. This building has eight-six (86) parking stalls, and at least sixty-one (61) are utilized by staff members and state vehicles, leaving a mere twenty-five (25) stalls for public use. The public has to park illegally every day. Jurors are unable to find parking during jury selection. Prosecutors are unable to find parking to get into court.

The BIDC has less than 10 public parking stalls. When jury trials are held, forty or more jurors are summoned at a given time. This creates a severe parking shortage, that adversely affects prospective jurors, witnesses, attorneys, and persons summoned to court for proceedings, thereby creating tremendous frustration and anxiety.

The Keakealani Building Court facilities include two (2) holding cells for all in-custody criminal defendants, which are small rooms with bars. These holding cells are substandard, covered with graffiti, and filled with offensive odors.

These approximately ten-feet by ten-feet cells have housed, on occasion, over twenty inmates in one (1) cell, which is cruel, inhumane, and a deprivation of the constitutional rights of the inmates. Currently, inmates are shackled on their legs and hands when transported by corrections officers to the courtrooms. In order to reach the courtrooms, the inmates are forced to walk up a steep staircase, of approximately twenty

or more steps with shackles. At least one (1) inmate has tripped and fallen from the top of the stairs to the bottom causing severe injuries.

At both the Keakealani Building and BIDC, there are no adequate facilities for attorneys to meet with criminal defendants. Counsel are forced to discuss confidential issues with their clients either in the cells with the other inmates, or in the presence of corrections officers. There is a very small room at the Keakealani Building that has been designated for attorneys and clients, however, it is substandard. It has no air-conditioning, and is subject to the availability of court sheriffs whose presence is required for private conversations.

The Family Court is currently located approximately eight miles away from the Circuit and District Courts, in a small and inadequate space and is understaffed and unable to adequately handle the tremendous caseload of family court matters. Due to the physical limitations of the Family Court building, there is only one (1) Family Court Judge for the West Hawaii area. The nearest family court facility is located in Waimea, Hawaii which is 49.48 miles away.

The extreme caseload and severe scheduling problems are adversely affecting divorce litigants, who must wait on average 65 to 90 days for a hearing on motions. There is also a lack of security for juvenile defendants and families. Security is stretched to its limits because the sheriffs must provide protection for various locations. In all other judiciary facilities the various courts are housed in a single location, and there is generally a single entrance. In such settings the sheriffs can provide security for the facilities with the manpower provided.

With the development of the Kona Judiciary Complex the following objectives can be met.

- **Centralize Judiciary operations in West Hawaii to one location, rather than being spread out in four separate locations as we are now**
- **Provide courtrooms utilizing modern courtroom design to incorporate space adequacy,**
- **including appropriate security measures**
- **Provide technologically advanced court audiovisual systems to allow improved videoconferencing capabilities and court recording systems**

- **Provide security for the Judiciary staff, the public and custodies awaiting court appearances by incorporating appropriate design criteria to provide high, medium and low security areas in the facility**
- **Incorporate state of the art security systems to monitor court operations including movement of and security of custodies**
- **Provide temporary holding areas for custodies who are going to and from court**
- **Have a facility that is actually planned and constructed for court use**
- **Provide for future growth**
- **Populations and caseloads are projected to increase**
- **Caseloads in Kona are expected to increase substantially**

The current problems facing the West Hawaii court system in the Third Circuit are already at critical levels, and require immediate redress. On behalf of the attorneys, judges and the public, your support is in dire need. Please support the Kona Judiciary Complex by enacting H. B. 290, and approve the CIP funding request. Thank you.

Robert D. S. Kim
Legislative Committee 2015
West Hawaii Bar Association

TESTIMONY

House Committee on Judiciary

Hearing: Thursday, February 12, 2015 @ 2:00 p.m.

TO: Chair Karl Rhoads
Vice Chair Joy A. San Buenaventura
Members of the House Judiciary Committee

FROM: Gregory K. Markham
President, Hawaii State Bar Association

RE: HB290, Relating to the Judiciary

Chair Rhoads, Vice Chair San Buenaventura and members of the House Committee on Judiciary, thank you for the opportunity to offer comments in **STRONG SUPPORT** of the Kona Judiciary Complex funding request by Chief Justice Recktenwald in the amount of \$55 million.

The HSBA is fully cognizant of the challenges of this Legislature to review all the competing capital improvement project (CIP) funding requests and meet fiscal responsibilities of prudence and fairness.

The current Kona Court campus consists of three separate buildings including a former hospital and a former farm and garden shop. I would hypothesize that conversion of these facilities decades after their construction was not envisioned or planned for, making the current uses of these buildings inconsistent.

The self-help “center” established to assist self-represented litigants and staffed by volunteer attorneys and AmeriCorps intake staff, can be more accurately described as a self-help “desk” and is located in the morgue area of the former hospital. Point of interest: the office of the Chief Administrative Judge of the Third Circuit is adjacent to the wing of the building where he was born.

When individuals enter our court facilities statewide seeking justice, they are entitled to justice that is fair. I believe these individuals are also entitled to have their day in court in facilities which are: accessible to all including the handicapped and disabled; conducive to conducting of court business in a respectful and dignified manner; and perhaps most important, safe for all the accused and other litigants, the judges and their staffs, the attorneys on both sides, and others who may be observing court proceedings.

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TESTIMONY

Page 2

As a litigator who has personally practiced in the existing Kona Court complex, I can attest to the fact that the current disjointed court campus is not an ADA compliant public facility and it is not conducive to conducting court business. It is not safe for building personnel and others who walk through the buildings' doors. For criminal cases, prosecutors and their witnesses, and criminal defense attorneys and their clients and witnesses, mingle and sit in the same cramped waiting areas and courtrooms with no separation. Jurors also enter the mix in the crowded conditions and it can be very awkward when litigants and counsel are elbow to elbow with jurors outside the court room. It is the same for civil cases where plaintiff's attorneys and their clients and witnesses must share the same areas as defense counsel and their clients and witnesses. When criminal defendants want to use restroom facilities, they use general public restroom facilities and at times they must pass through public waiting rooms to gain access.

Parking is another difficulty which makes timely courtroom appearances a challenge for litigants and other court guests, as public parking is almost non-existent making parking on unimproved road shoulders necessary.

Some characterize the request for a new Kona Court complex as a project to benefit the Big Island. I differ in this opinion. This request is for a public facility that is a part of the overall statewide network of court buildings for the administration of justice. This court complex serves all of the people of the State of Hawaii who may have to appear in the Kona Third Circuit due to jurisdictional mandates.

The preservation of the rule of law is reliant on a court system that can meet judicial responsibilities fairly and in the case of criminal matters, in a timely manner, in rural as well as urban areas. Knowledgeable and fair judges, efficient court personal and adequate facilities are integral to our judicial process.

On behalf of the membership of the Hawaii State Bar Association, I respectfully request full funding of the request of the Chief Justice for a new Kona Court complex.

TESTIMONY IN SUPPORT OF HB 290

RELATING TO THE JUDICIARY CIP-FOR KONA
COURTHOUSE COMPLEX

JUDICIARY COMMITTEE HEARING, February 12, 2015, 2:00
PM, Conference Room 325

To: Representative Rhoads, CHAIR, AND COMMITTEE
MEMBERS

From: Charlene Iboshi, Hawaii State Bar Association, Senior
Counsel Division Director for Hawaii County; Member of the
West Hawaii Bar Association and Hawaii County
Bar Association

I have practiced law in the State for over thirty four years. The Legislature must commit this year to fully funding the Kona Courthouse Complex, otherwise the Judiciary CIP project is likely to fail. The incremental funding strategy needs the last installment this biennium or financial commitment to fully fund the construction.

Over the years, I have seen each circuit build new courthouse complexes. Now, the Kona Judiciary Complex is the last one to be built. The Judiciary selected the Kona Judiciary Complex Capital Funding as their #1 priority. The Hawaii State Bar Association, the two voluntary bar associations (West Hawaii County Bar Association and the Hawaii County Bar Association) in the Third Circuit strongly support the Judiciary's request. The proposed Kona Judiciary Courthouse Complex serves, not only the Third Circuit, but all the citizens of the state. Unlike services in county government, the judiciary serves interests statewide.

Hawaii County's Third Circuit Kona Courthouse system has many issues because the facilities were not designed for the demands and safety concerns of our court system. The West Hawaii Bar Association Support testimony last year detailed the

problems of the antiquated hospital converted to a courthouse. The “forecasts” are coming true. Last month, days after Chief Justice Rectenwald explained that the current courthouse was never designed for court security, there was a “riot” at the Kona Circuit Courthouse in the “cell-block,” as reported in the West Hawaii paper. It took an hour for sheriffs to get needed back-up to get control over the prisoners. Moreover, I continue to hear about employees and lawyers sustaining injuring when falling down the steps of the old facility. From a “risk” management stand-point, the Legislature must act now.

The Kona Courthouse system was cobbled together as the population and commercial demands of the island exploded. I practiced in Kona when there was only one courthouse, and all jury trials were in Hilo. Now, West Hawaii’s filings and litigation are nearly 40% of the filings in the Third Circuit. Hawaii County is unique in that it is the largest county in the entire state, encompassing the same land mass as all the other counties combined. Logistics and infra-structure development are always more expensive because of its sheer size. Moreover, Hawaii County has many areas that are the fastest growing in the State.

I am writing support testimony, because the need for the new Kona Courthouse Complex is unquestionable and justified fully in other testimonies. The courthouse complex is needed for the safety of those who are required to use the Courthouse or Judiciary Services. It provides a more cost-effective use of state resources for our long-term support of our Third Branch of Government.

From my perspective as the Senior Counsel Division Director, I realize that the community’s respect to uphold the “Rule of Law” and the role of the judiciary as the institution that dispenses justice require a “sense of place” that commands respect for the law. The Judiciary has a clear plan to build this “Hale” that commands respect for people first, then the law. The Kona Judiciary Complex benefits all the citizens in the state, including

all the practitioners throughout the state, the litigants, witnesses, services providers and statewide community which rely on the courts to pursue justice.

Please fully fund the Judiciary's request for the Kona Judiciary Complex.

Thank you for the opportunity to provide support testimony. Charlene Y. Iboshi Hawaii State Bar Association, Senior Counsel Division, Director, Hawaii County Bar Association and West Hawaii Bar Association, Member

TESTIMONY

House Committee on Judiciary
House Bill 290, Relating to the Judiciary
Hearing: February 12, 2015 @ 2:00 p.m.

TO: Chair Karl Rhoads and Members of the House Committee on Judiciary

FROM: Carol Kitaoka
Kona Attorney

RE: HB 290 - Relating to the Judiciary (Budget)
*KONA JUDICIARY COMPLEX

Chair Rhoads and Members of the House Committee on Judiciary, I am an attorney residing in Kona who is employed by the Hawaii County Prosecutor's Office. I am also the Hawaii State Bar Association Board Member representing West Hawaii. I am offering these comments in my personal capacity **IN STRONG SUPPORT** of the request for construction funds for a new Kona court complex which is listed on page 7 of this Bill.

The Kona community is in DIRE need of a court complex. Currently one Circuit Court courtroom and the Kona District Court are located in the old Kona Hospital Building along with the Department of Health in Kealahou. A second Circuit Court courtroom is approximately one mile away. The Kona Family Court is several miles away in Kailua-Kona.

As Deputy Prosecutors we practice in all courtrooms. The Circuit Court Deputies must drive between the Circuit Courts and parking is limited, in fact, scarce is a more accurate description. We park in dirt lots or on the grass. The public is faced with the same problems of finding the right Court and finding parking. In addition, access to the Courts at the old Kona Hospital is very difficult for the disabled. The courtrooms and the parking area are on different levels and there are NO elevators.

The most pressing concern from my perspective is the safety of the public, the Judges and Judiciary employees, and the attorneys who must appear in the courtrooms. The in-custody defendants must go through the open hallways to get to the courtrooms, victims and defendants and their families and supporters are waiting in the SAME area. During jury trials, the victims and the defendants' families and supporters must wait in the same area. This may be an intimidating experience for victims who are already under stress. In addition, jurors must wait in the SAME area as defendants' families and supporters if they leave the confines of the courtroom. Jurors have reported instances of intimidation.

In closing, the State of Hawaii and the Kona community need the long awaited and promised Kona Judiciary Complex. I am humbly requesting your favorable consideration for the full funding requested by Chief Justice Mark Recktenwald for the next phase of this CIP project. Thank you for your consideration.

LATE

SUSAN M. KIM
Attorney at Law
P. O. Box 1853
Kealahou, HI 96750

Telephone: (808) 323-3874
Facsimile: (808) 323-9594
Email: susanmkim@hawaii.rr.com

February 11, 2015

TESTIMONY TO HOUSE COMMITTEE ON JUDICIARY
HEARING: THURSDAY, 02/12/15 @ 2:00 P.M.

TO: Honorable Chairman Karl Rhoads, Vice Chairwoman Joy San Buenaventura and Members
of the House Committee on Judiciary

FROM: Susan M. Kim, Attorney at Law

RE: House Bill 290 - Relating to the Judiciary
Specifically the Kona Judiciary Complex Funding

As a solo practitioner in Kona, I am writing in support of full funding of the Kona
Judiciary Complex and support the Testimony submitted by Robert D. S. Kim, Legislative
Committee 2015, West Hawaii Bar Association.

Economically it makes sense to house the several courthouses in one central facility. The
safety issues posed by the current 3rd Circuit and District Courthouses (Old Kona Hospital) and
the lack of parking continue to plague West Hawaii. Because jurors from Hilo also frequent the
courthouses, it is a facility used by everyone on the island.

Your support is appreciated.

LATE**TESTIMONY IN SUPPORT OF**
HB290 - RELATING TO THE JUDICIARY

Committee on Human Services - Room 325

Representative Karl Rhoads, Chair
Representative Joy San Buenaventura, Vice-Chair

February 12, 2015 at 2:00 p.m.

The Legal Aid Society of Hawaii submits testimony in support of HB290 – Relating to the Judiciary, but we are also requesting an amendment. Specifically, we are requesting that funding also be included for purchase of service civil legal services in the amount of \$800,000 per year for direct civil legal services provide by attorneys and paralegals in each of circuits (\$600,000 for the First Circuit; \$80,000 for the Second Circuit; \$75,000 for the Third Circuit; and \$45,000 for the Fifth Circuit).

I apologize that I am not able to attend in person as I had a previously scheduled off-island meeting.

A purchase of service contract was provided for civil legal services as part of the state's base budget from 1975 to 2004. During this entire period, the Legal Aid Society of Hawaii was the recipient of this purchase of service contract. In 2004, this funding was converted into a grant-in-aid directly to the Legal Aid Society of Hawaii. Except for the two years in which grant-in-aid funding was not provided during the recession, direct civil legal services has been funded. This purchase of service contract would help to restore the state's commitment to funding legal services and would be in line with the Judiciary's interest in access to justice.

With this level of funding, Legal Aid will be able to serve 900 people with direct legal services, including full representation, through our ten offices located on each of the major Hawaiian islands, including four offices on Oahu (Honolulu, Chinatown, Waianae, and Kaneohe) and two offices on the Big Island (Hilo and Kona).

We have invested in the right to counsel when one is facing incarceration through the funding of our public defenders' office, and must begin to put the same value on the right to counsel when one is facing estrangement from their children; is being denied of their equal share of property earned during marriage; is being evicted from their home; is being denied access to public assistance; has had the phone hung up on them by a state agency just because they are not speaking English; or is encountering unethical and unscrupulous practices which make it impossible to challenge an inaccurate calculation of money owed. Access to legal assistance is also critical when one is trying to protect their children from a violent parent; trying to provide a home for their grandchildren when a parent is using drugs; attempting to get medical services necessary for them to equally participate with others in society; and attempting to achieve citizenship so they can be full participants in our democracy.

Restoring the funding of civil legal services as a purchase of service contract into the budget will help to continue to maintain access to justice for our residents. We ask that you support this request.

Thank you for this opportunity to provide testimony.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Nalani Fujimori Kaina', with a long horizontal stroke extending to the right.

M. Nalani Fujimori Kaina
Executive Director

The Legal Aid Society of Hawaii (Legal Aid) is the only legal service provider with offices on every island in the state, and in 2014 provided legal assistance to over 7,500 Hawai'i residents in the areas of consumer fraud, public assistance, family law, the prevention of homelessness, employment, protection from domestic violence, and immigration. Our mission is to achieve fairness and justice through legal advocacy, outreach and education for those in need.

LATE



February 11, 2015

Committee On Judiciary
House of Representatives
The Twenty Eighth Legislature
Regular Session of 2015

Re: Testimony in Support of HB 290

Dear Rep. Karl Rhoads, Chair; Rep. Joy A. San Buenaventura, Vice Chair, Members of the Committee on Judiciary:

I write as President of the West Hawaii Bar Association in support of the Kona Judiciary Complex.

Currently the courthouses in Kona are divided among three separate facilities that are inadequate for the needs of a community the size of Kona. These three separate facilities house a total of four courtrooms: two divisions of the Circuit Court, a District Court, and a Family Court.

The need for a judiciary complex in Kona is not a situation where an old courthouse needs replacing due to a desire for something new and more modern. The need for the judiciary complex arises due to the inadequacy of the current facilities. None of the current buildings being used as a courthouse are designed to be courthouses. They lack the basic necessities required for the every day function of the judiciary.

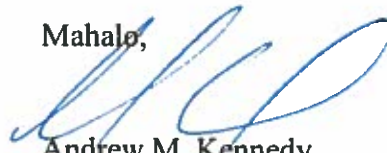
Members of the community who wish to utilize the local courts are greeted with an overcrowded waiting area. The housing of defendants who are in the custody of public safety is dangerous. These persons are often placed in a very small holding pen right outside the District Court where members of the community enter and exit the courtroom. Sometimes these persons in custody suffer from mental defect or present biological hazards, yet they are placed within feet of the entrance that members of the general public must utilize to enter or exit the courthouse. Two weeks ago there was a small riot in the holding cell of the primary courthouse, and last week a female prisoner was able to escape custody. There is no secure perimeter for this primary courthouse, as it is surrounded by only a simply chain link fence. At night any member of the public could easily climb the fence and place contraband within the interior of the courthouse.

The District Court opens upwards of 6,000 criminal cases per year, and there are over 400 criminal complaints filed in the Circuit Courts per year. Each of these courts also handle busy civil calendars. The Family Court also maintains an extremely busy caseload. The present facilities do not meet the needs of a very active judiciary in Kona.

The initiative for a new judiciary complex is not inspired by a desire for more modern amenities, increased conveniences, or a sense of entitlement that Kona has waited long enough and the time has come. The initiative for a new judiciary complex is based on the reality that the current situation is not appropriate or adequate.

On behalf of the West Hawaii Bar Association I thank you very much for your consideration with respect to this very important issue.

Mahalo,



Andrew M. Kennedy
President, West Hawaii Bar Association

LATE

By	Organization	Testifier Position	Present at Hearing
Michelle D. Acosta	Volunteer Legal Services Hawaii	Support	No

Comments:



February 11, 2015

TESTIMONY TO HOUSE COMMITTEE ON JUDICIARY
HEARING: THURSDAY, FEBRUARY 12, 2015 AT 2:00 P.M.

TO: Honorable Chairman Karl Rhoads, Vice Chairwoman Joy San
Buenaventura and Members of the House Committee on Judiciary

FROM: Robert D. S. Kim
Legislative Committee 2015
West Hawaii Bar Association ("WHBA")

RE: H.B. 290 – RELATING TO THE JUDICIARY
SPECIFICALLY THE KONA JUDICIARY COMPLEX FUNDING

The WHBA is supporting the continued funding for the Kona Judiciary Complex included in H. B. 290. The Judiciary is seeking \$90 million dollars for the construction of the facility. The Hawaii State Legislature is committed to this project having committed approximately \$35 million dollars in appropriations. H. B. 290 seeks the balance of the funds to commence construction in a budget request for Fiscal Year 2015-2016 in the amount of \$55 million dollars.

The Kona Judiciary Complex has been the number one (1) CIP priority for the Judiciary for the past several years. The Kona Judiciary Center will serve all of the attorneys and citizens on the Island of Hawaii.

Security is a critical problem with the current facilities. I have included a letter to the editor was published by a juror in a sexual assault trial in Kona. I have included her comments for your review as they are relevant to this debate. I have also attached news articles in the past month that have highlighted a riot that took place in the cellblock at the court house, and a recent escape attempt.

We are humbly and respectfully requesting your continued support of the project. We thank the leadership on this committee, and the members for inspecting the current judiciary facilities in West Hawaii on previous occasions. I know your members

are familiar with our plight. I have included in my testimony current information which supports the construction of the Kona Judiciary Center.

6A

OPINION

MONDAY, MARCH 24, 2014 | WEST HAWAII TODAY

LETTERS | YOUR VOICE

whit@aloha.net

More parking needed at courthouse

A short while ago, you printed an article about the lack of funds for a courthouse in West Hawaii.

I had the pleasure of being on a jury recently and I was actually present when one of the jurors had a run-in with one of the lawyers.

The space in front of the courthouse is very limited. In fact, most of the visitors have to park up above and walk down a steep road to get to court.

I tried arriving early just to get a space and was successful once. After that, I ended up parking up top where a security guard directs parking to maximize parking space for everyone. We need a parking area that has a slot for the judge, the four lawyers and room for the 12 jurors as well as the alternate. Only the visitors and spectators should have to park in a free public parking area.

I have witnessed the lawyers walking down to court in rubber slippers and changing into

proper footwear once on level ground, I have also witnessed an irate juror who was told that a stall was reserved for someone. He was so upset that he entered the deliberation and workroom cursing and talking loudly about the incident. This should not have taken place as the said juror would have been the select juror to read out our verdict. As a result, that juror was dismissed and we were each questioned about whether this incident would cause us to sway our vote. Of course I'm sure we all

said the same thing, that the incident had nothing whatsoever to do with the case at hand. We were able to come to a unanimous verdict and everyone went on their way.

I have found that jury duty is quite interesting and fun. I met so many nice people that were generous with their treats and information on health.

This incident verified the fact that we in West Hawaii really need a courthouse with ample parking.
Colleen Miyose-Wallis
Kailua-Kona

There is a critical need to consolidate the courts and support services in West Hawaii. This project is currently the number one priority on the Judiciary's CIP list. Currently, the District and Circuit Court of the Third Circuit Court, Kona Division, located in Kealahou, Hawaii is located along side the State Department of Health facilities in a multi-purpose building known as the Keakealani Building that was built in 1939, and is dilapidated, and overcrowded.

There is also a Circuit Court for the Big Island Drug Court (BIDC), Veterans Court and Criminal and Civil calendars, located blocks away that is leased. The Family Court is miles away and is also leased. The Keakealani Building was originally the old Kona Hospital and was built by the Public Works Administration almost 70 years ago under President Franklin Roosevelt.

There are four (4) courts located in West Hawaii, at three (3) different locations. None of these "court facilities" were originally designed for court use.

The original site chosen for the Complex had been moved due to the discovery of a endangered species. The new site allows for expansion and parking and is located in Kailua-Kona. To keep the costs of project down, the Judiciary has been deeded the project site at virtually no cost to the State from the land owners Queen Liliokalani Trust

The State is currently paying high costs for maintaining the current court facilities. The current lease agreements are as follows:

- Lenders Document Building
- 81-940 Haleki'i St (Kona Div 3, Drug Court Client)
- Driver Education (Kealakekua Business Plaza)
- Kona Circuit Court storage (renewed annually)

Lender's Document Building (77-6399 Nalani St., Kailua-Kona, HI)

The Judiciary leases the 2nd and 3rd floor. The 2nd floor is for Family Court and staff that support Family Court (i.e. legal docs) and Juvenile Client Services. The 3rd floor is for Adult Probation Services.

The total **monthly lease amount is \$18,728** (\$224,736.36 per year), janitorial services included.

Circuit Court Division 3/Drug Court (81-940 Haleki'i St., Kealakekua, HI)

This space is for Circuit Court Division 3(Judge Ibarra's court) and Drug Court Probation.

The total **monthly lease amount is \$9,658** (\$115,899 per year).

In addition to the lease amount, Judiciary pays for contract janitorial services at this location in the amount of \$1,041.00 per month (\$12,500.00 per year)

Driver Education (Kealakekua Business Plaza)

This space is for Driver Education staff and classes (DUI classes, Driver Improvement classes, etc) .

The total **monthly lease amount is \$5,297** (\$63,568 per year).

Circuit Court Storage

Payment for off-site storage of files is necessary because we do not have enough space at the Keakealani Bldg.

The **total monthly cost is \$2,403** (\$28,837 per year).

Kona Courier Services

Once the courts are consolidated to a new building, these costs will end. We will still have to pay for intra-island courier between Hilo and Kona, but that is not included in this amount shown. - **\$1,087 per month** (\$13,051 per year).

Total monthly lease and facility-related costs: \$38,216

Total annual lease and facility-related costs: \$458,593

LAPSING OF CIP FUNDS

The WHBA is concerned that if CIP funds are not appropriated to commence construction, that previously appropriated funds will begin to lapse. In Fiscal Biennium (FB) 2013-2015, via Act 133 / 2013–Regular Session, as amended by Act 127 / 2014–Regular Session, the Legislature appropriated \$35.0 million of the \$90 million requested for the project. These funds will lapse **June 30, 2016**. The Judiciary’s current request to the Legislature in the 2015 Session for the remaining \$55.0 million, if appropriated, would become effective July 1, 2015, and would lapse on **June 30, 2018**.

This Honorable Committee should be aware that both sets of funds, totaling the \$90.0 million needed to be able to put the project out to bid, would be available together for only the one-year period from July 1, 2015 to June 30, 2016. This makes it absolutely crucial that the total \$55.0 million be funded for FY 2016 during the 2015 legislative session because if the TOTAL \$55.0 million is not so appropriated, then we will be in the unthinkable position, after the aforementioned \$35.0 million from FB 2013-2015 lapses on June 30, 2016, of not having the full \$90 million in hand to be able to put the project out to bid for construction.

This would result in an unavoidable delay to the project, since we would have to wait for the Legislature to authorize new funding in either the 2016 and/or 2017 Session(s), by which time more than the current \$35.0 million difference will be required. Under those circumstances, the presently projected occupancy time frame of the spring of 2019 would be pushed back to calendar year 2020 at the earliest.

It is with great concern that funds for any project-related efforts that may be expended in anticipation of the bid-out occurring within the identified one-year period of

July 1, 2015 to June 30, 2016, or for such permits and other mandated approvals and reviews, could well be nullified, and would have to be repeated or reinitiated.

Similar obsolescence could occur relative to the project's design and bidding documents, should applicable regulations and/or product availability in the construction industry marketplace change in the intervening period. In addition, anticipated costs to construct the building would likely increase beyond the \$90 million currently needed.

CRITICAL SECURITY CONCERNS

The current facilities lack proper security protection for the judges, attorney's, litigants, jurors and the general public. The amount of serious security breaches are escalating and the public safety is in jeopardy.

Here is a photograph of the Kona District Court "holding cell". There are no toilets and insufficient room to hold all pre-court custodies. These detainees are crowded into this area right next to the general public. Recently a distraught detainee began to pound his head against the wall, which punched a hole in the wooden structure, in plain view of the public. The detainee was screaming at the top of his lungs while the sheriffs sought to detain him and protect him from hurting himself.

This incident was viewed by the public, including mothers and young children waiting in the court yard. This area is depicted below.



Our citizens are not safe at the Kona court facilities.

Here is a photograph of “security fence” that protects the Kona District and Circuit Court. An inmate recently squeezed through the fence, and attempted an escape. Inmates, pretrial detainees and arrested person pass through this area. As noted above, if detained citizens have to use the bathroom while being held, the Sheriffs will escort the inmate to the public bathrooms located outside of the security entrance. Members of the public are asked to stay out of the bathroom until the inmate is finished. Then the inmate is escorted back to the holding area. The inmates must pass the general public, jurors and children when being transported to the bathrooms. This happens numerous times throughout the day.

The “security fence” provides no security. Anyone can jump over the fence, as it is limited in height. Guns and other weapons maybe thrown over the fence. Contraband can be thrown over the fence. It is very easy to bypass the security screening at the entrance to the Court.

Our citizens are not safe at the Kona court facilities.



Kona woman caught trying to escape from courthouse | KHON2



Kona woman caught trying to escape from courthouse

By Web Staff

Published: January 29, 2015, 4:25 pm | Updated: January 29, 2015, 4:26 pm



Cheyanne Collins

A woman faces an escape charge after an unsuccessful attempt to run from a Kona courthouse.

It happened at around 11 a.m.

According to the Department of Public Safety, Cheyanne Collins was in a holding cage outside District Court and managed to squeeze out through a small space in the locked double gate.

Within minutes, deputy sheriffs captured her in the parking lot without incident.

Collins was wearing handcuffs and leg shackles.

She was transported to the Hawaii Community Correctional Center where she is being held on \$2,000 bond for an unrelated case.



**LIONS
CLAW PAST
WILDCATS**
SPORTS, 1B



**ENERGY EXECS
GRILLED BY
LAWMAKERS**
PAGE 6A

West Hawaii Today

THURSDAY, JANUARY 29, 2015

WESTHAWAII.TODAY.COM

75¢

Holding cell ruckus disrupts Kona court

BY BRET YAGER
WEST HAWAII TODAY
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Longstanding security and logistical shortcomings at the Kona Courthouse came to glaring light Monday when detainees in a holding block went ballistic, putting operations in at least one courtroom on hold for an hour.

The disruption was so loud that proceedings in a nearby courtroom had to be canceled, judiciary officials said.

An adult corrections officer, whose name is being withheld, said that nine male detainees plugged a toilet, flooded the cellblock and hurled water bombs made out of plastic sandwich bags.

"It's tight quarters. Nine guys in there, and tensions are going to flare up," the officer said.

The detainees apparently became upset when they were not offered lunch, the officer said. That was because they had already eaten their lunches in the vans during transport to the courthouse, he said, estimating that about five corrections officers were on

SEE COURTHOUSE PAGE 5A

COURTHOUSE: Judiciary pushing for new facility

CONTINUED FROM PAGE 1A

hand when the problem occurred in the lower level of the Keakealani Building.

No one appeared to be injured in the incident, but the detainees carried on for a good hour until five corrections officers arrived as backup from a training in Waimea. One man told officers it would take mace to subdue him, but the group as a whole cooperated once reinforcements arrived.

The officer said he and other ACOs were concerned about safety issues from flooding and electrical outlets during the disruption.

Tammy Mori, spokeswoman for the Hawaii State Judiciary, said the cellblock sustained minor damage. The state Department of Accounting and General Services, which oversees the property, is doing a damage tally, she said. The cellblock area was cleaned and sanitized after the incident, she said.

Lawyers who use the courthouse are nervous following the disruption, Kealakekua attorney Robert Kim said.

"That place is just waiting for something bad to happen," Kim said. "I would construe what happened as a jail riot."

Toni Schwartz, spokeswoman for the Department of Public Safety, said it is typical to have that many detainees in a cellblock, as they are brought over all at once from Hawaii Community Correctional Center in Hilo.

"All of our cellblocks



The cellblock at the Kona Courthouse is seen where detainees threw bags of toilet water on Monday.
CONTRIBUTED PHOTO

are pretty full," she said. "We do our best with what we have."

The detainees were transported back to HCCC and fed, and disciplinary action is pending, Schwartz said.

The incident occurred just two days before Wednesday's State of the Judiciary address, in which Hawaii Supreme Court Chief Justice Mark Recktenwald described the West Hawaii courts carrying on business "in buildings that were not designed as courthouses, which in turn has led to severe security, logistical and operational problems."

The Judiciary is expected to be in a full-court press this legislative session for the final \$55 million in state funding needed to build a new courthouse complex in Kailua-Kona.

KEAKELANI BUILDING (Old Kona Hospital) Located in Kealahou, about ten (1) miles from the main hub of Kailua-Kona



Current Building Utilization

- Serving the western portion of the Island of Hawai'i in the Third Circuit, the Kona Circuit Court Division 4 and District Court occupy the Old Kona Hospital. Generally, there are between 4,800 and 5,600 court users accessing the Keakealani Building every month.
- Originally built in 1939, this facility was renovated in 1984 for Judiciary operations, which at the time was intended to be temporary.
- This facility is 13,46 sq ft. of court and administrative offices, and shares space with the Department of Health.
- The facility is owned by the State and maintained by DAGS.
- The facility houses one Circuit Court, one District Court, their respective support offices and Judiciary Administrative offices.

Functional Space Adequacy

- This facility is cramped and overcrowded, and was not originally designed for court use.



- The only "jury assembly area" is the outside courtyard, which is shared by the public, defendants, attorneys and parties to cases.
- Department of Public Safety (DPS) Sheriff's Division has ten (10) positions that were originally assigned to Kona, with one (1) secretary. In 2013, two (2) of those ten (10) positions were reassigned by the Sheriff's Division to South Kohala. The legislature approved and funded DPS to hire eight (8) new deputies to cover the Kona section, and they are expected to start in December, 2014, after completion of recruit class. This information, however, should be verified with DPS/Sheriff's Division.

- Access by detainees from the holding cells to the courtroom requires transportation of detainees up and down a flight of stairs.



- The facility was designed as a hospital so circulation throughout the building is awkward and inadequate for custody movement.
- This facility is not ADA compliant.
- There are no expansion opportunities on this site.

Public Accommodations and Accessibility

- The public accommodations in and around the building are extremely inadequate.
- There is insufficient parking, including not enough handicap stalls. Often the public must park in areas not designated for Judiciary parking such as at the hospital, or in non-designated parking areas on the side of the road.



- Additionally, there is no designated waiting area for the public. There is a courtyard in between the Circuit Court and District Courts, where the public gathers prior to going into the courtrooms.
- A new jury room was constructed in 2011, which included a paved and covered lanai area. This has helped to provide some public accommodations.
- Sheriffs must walk prisoners through the public courtyard area to get to and from the courtrooms, which compromises security.
- There is no building directory, and no public information booth.
- There is accessibility to individuals with disabilities; however, it is inadequate. The Keakealani Building is old and has about 35 steps from the bottom parking lot to the main building entrance. The only wheelchair access is from the two (2) stalls on the Department of Health side of the building and the two (2) stalls in the back next to a dialysis center, which are all usually full.
- The air conditioning is old (from the 1980s) and in disrepair, resulting in frequent (almost weekly) outages and service calls. Due to the age of the AC unit, DAGS has had difficulty with repairs. Due to the costs for a new system, DAGS has been unable to replace the system. This AC issue has resulted extremely warm conditions in often extremely crowded courtrooms.



Building Security

- Security features in place include a centralized public entrance with security screening, restriction of public access to offices, limited building alarms/emergency annunciation, and surveillance cameras.
- Non-segregated circulation for prisoners is a security concern because the custodies are moved throughout the building in the same halls as the public and employees.



- The courtyard area is open and only a chain-link fence surrounds it for security purposes. It can be easily scaled during the night by perpetrators who can hide weapons until the next court day.
- There are (2) two holding cells, each with a suggested capacity of four (4) people. However, the sheriffs have said this is inadequate, and that they have had to put more than four (4) people in a cell at a time, at times upwards of 20 individuals, which poses a number of safety and security concerns.

Circuit Court Division 3/Drug Court – Haleki'i Street - located about 2 miles from the Keakealani Bldg in Kealahou



Current Building Utilization

- This is a privately owned facility that we lease for \$9,658 per month (\$115,899 per year).
- This facility houses the Circuit Court Division 3 courtroom, judicial and clerical staff as well as Drug Court Probation staff.
- Generally, there are between 2,500 and 3,400 court users accessing this building every month.
- Circuit Court Division 3 handles felony cases, civil cases involving amounts between \$10,000 and \$25,000 and jury trials. HOPE probation and Drug Court cases are also handled in this court.
- Drug Court Probation supervises and oversees Drug Court probationers.
- There are ten (10) parking stalls for the public and staff. There are eleven (11) employees at this building with no room for expansion.

Public Accommodations and Accessibility/Security

- There is only security screening for the court side of the building. The probation office has a separate entrance with no security screening.

- The space is inadequate for Circuit Court functions. There is no jury assembly area, so jury sign in is done outside. The jury room is shared as a lunchroom for the court staff



Driver Education – Kealakekua Business Plaza



Current Building Utilization

- This is a privately owned facility leased by the Judiciary for **\$5,297 per month** for 2180 sq ft.
- The classroom housed in this facility is used for DUI/OVUII courses, a Zero Tolerance and Prohibitions Involving Minors Course, a Defensive Driving Course, a Child Passenger Restraint Course and a Driver Improvement class (for excessive speeders, reckless drivers, etc). There are 2 staff at this location.

Lender's Building — located on the corner of Nalani Street and Mamalahoa Hwy in Kailua-Kona (approx. 7 miles up a 2 lane highway from the Keakealani Bldg)



Current Building Utilization

- This is a privately owned facility where we lease the 2nd and 3rd floors for \$18,728 per month (\$224,736 per year). There are other government agencies as well as private businesses on the 1st floor.
- Houses Family Court and Juvenile Client Services Branch on the 2nd floor and Adult Probation Intake and Supervision Units on the 3rd floor. There are approximately 25 Judiciary employees at this building.
- Judiciary has occupied the space for about 24 years and within the past few years had to expand into additional office for the Probation Division on the 3rd floor due to overcrowding and safety issues.
- The building was originally constructed as residential in 1982.
- The Family Court hears legal matters involving children. These include delinquency, dependency, adoption, detention, divorce, etc. Family Court also hears civil commitment, guardianships of adults, and adult abuse cases. The Family Court in each circuit handles both juvenile and adult matters which come under its jurisdiction.
- The Juvenile Client Services Branch (Juvenile Intake Crisis Unit and Juvenile Supervision Unit) monitors and supervises juveniles who have been adjudicated by the court for law violations and status offenses.

- The Adult Client Services Branch provides pre-sentence investigation reports to the courts and supervises adult offenders, including HOPE cases.
- Officers in Juvenile Client Services and Adult Probation each have individual offices but there is no room for expansion.
- Generally, there are between 3,000 and 3,900 people accessing the courts and probation offices at the Lender's Building every month.

Space Observations

- The interview room and conference room are used for storage and both are filled to capacity.
- There are no holding cells and, sometimes, detainees are held in the general public waiting area.
- Public accommodations are inadequate. On busy days, the court waiting area becomes overcrowded.
- The third floor is not accessible to the physically disabled.

Functional Space Adequacy

- The interview room and conference room are used for storage areas and both are filled to capacity.
- There are no holding cells at the Kona Family Court and therefore, the interview room is generally used for custodies. If this room is in use, the custodies are held in the general waiting area.

Public Accommodations and Accessibility

- The limited public accommodations are inadequate. On heavy calendar days, the waiting area for Family Court is insufficient due to lack of space. Custodies are moved and held in the same public area, adding to the already crowded environment.
- The public waiting area for both the Juvenile and Adult Client Services Branch are in the hallway.

- The third floor is not accessible to the physically disabled.
- Due to the aging building, there are regular problems with roof leaks, pests, air conditioning problems, plumbing issues causing limits on availability of restrooms, etc.



As a practicing attorney, I know firsthand that there exists a severe parking shortage whereby designated parking stalls are provided for the general public and staff to share. This building has eight-six (86) parking stalls, and at least sixty-one (61) are utilized by staff members and state vehicles, leaving a mere twenty-five (25) stalls for public use. The public has to park illegally every day. Jurors are unable to find parking during jury selection. Prosecutors are unable to find parking to get into court.

The BIDC has less than 10 public parking stalls. When jury trials are held, forty or more jurors are summoned at a given time. This creates a severe parking shortage, that adversely affects prospective jurors, witnesses, attorneys, and persons summoned to court for proceedings, thereby creating tremendous frustration and anxiety.

The Keakealani Building Court facilities include two (2) holding cells for all in-custody criminal defendants, which are small rooms with bars. These holding cells are substandard, covered with graffiti, and filled with offensive odors.

These approximately ten-feet by ten-feet cells have housed, on occasion, over twenty inmates in one (1) cell, which is cruel, inhumane, and a deprivation of the constitutional rights of the inmates. Currently, inmates are shackled on their legs and hands when transported by corrections officers to the courtrooms. In order to reach the courtrooms, the inmates are forced to walk up a steep staircase, of approximately twenty

or more steps with shackles. At least one (1) inmate has tripped and fallen from the top of the stairs to the bottom causing severe injuries.

At both the Keakealani Building and BIDC, there are no adequate facilities for attorneys to meet with criminal defendants. Counsel are forced to discuss confidential issues with their clients either in the cells with the other inmates, or in the presence of corrections officers. There is a very small room at the Keakealani Building that has been designated for attorneys and clients, however, it is substandard. It has no air-conditioning, and is subject to the availability of court sheriffs whose presence is required for private conversations.

The Family Court is currently located approximately eight miles away from the Circuit and District Courts, in a small and inadequate space and is understaffed and unable to adequately handle the tremendous caseload of family court matters. Due to the physical limitations of the Family Court building, there is only one (1) Family Court Judge for the West Hawaii area. The nearest family court facility is located in Waimea, Hawaii which is 49.48 miles away.

The extreme caseload and severe scheduling problems are adversely affecting divorce litigants, who must wait on average 65 to 90 days for a hearing on motions. There is also a lack of security for juvenile defendants and families. Security is stretched to its limits because the sheriffs must provide protection for various locations. In all other judiciary facilities the various courts are housed in a single location, and there is generally a single entrance. In such settings the sheriffs can provide security for the facilities with the manpower provided.

With the development of the Kona Judiciary Complex the following objectives can be met.

- **Centralize Judiciary operations in West Hawaii to one location, rather than being spread out in four separate locations as we are now**
- **Provide courtrooms utilizing modern courtroom design to incorporate space adequacy,**
- **including appropriate security measures**
- **Provide technologically advanced court audiovisual systems to allow improved videoconferencing capabilities and court recording systems**

- **Provide security for the Judiciary staff, the public and custodies awaiting court appearances by incorporating appropriate design criteria to provide high, medium and low security areas in the facility**
- **Incorporate state of the art security systems to monitor court operations including movement of and security of custodies**
- **Provide temporary holding areas for custodies who are going to and from court**
- **Have a facility that is actually planned and constructed for court use**
- **Provide for future growth**
- **Populations and caseloads are projected to increase**
- **Caseloads in Kona are expected to increase substantially**

The current problems facing the West Hawaii court system in the Third Circuit are already at critical levels, and require immediate redress. On behalf of the attorneys, judges and the public, your support is in dire need. Please support the Kona Judiciary Complex by enacting H. B. 290, and approve the CIP funding request. Thank you.

Robert D. S. Kim
Legislative Committee 2015
West Hawaii Bar Association

LATE

HOUSE COMMITTEE ON JUDICIARY HEARING: THURSDAY,
5 AT 2:00 P.M.

TO: Honorable Chairman Karl Rhoads, Vice Chairwoman Joy San Buenaventura and Members
of the House Committee on Judiciary

FROM: Victoria L. Kalman, Attorney, Retired

RE: H.B. 290 – RELATING TO THE JUDICIARY SPECIFICALLY THE KONA JUDICIARY
COMPLEX FUNDING

It is with a sense of urgency that I join fully in the thoughtful and comprehensive testimony offered by former West Hawaii Bar Association president Robert Kim in support of HB 290 as it relates to the funding of the Kona Judiciary Complex.

As a former member of the board of directors of the West Hawaii Bar Association, as an attorney in private practice in West Hawaii since 2003, past president of the Rotary Club of Kona Sunrise, and resident of West Hawaii, I cannot overstate the importance of and urgent need for the planned West Hawaii Judiciary Complex. For all the reasons enumerated in Mr. Kim's testimony – safety and security of jurists, jurors, members of the community, detainees; accessibility for the disabled; fitness and usefulness for purpose intended; consolidation of services for the benefit of staff and the public; adequate and safe parking; and control of the costs related to the current leased spaces (we are paying a huge amount annually for what amounts to very inferior structures and locations) – this project continues to receive strong support from throughout our community.

The House Committee on the Judiciary is well aware of the intensity of the need, the value of the carefully designed plan for the new complex, and of the depth of support for this essential community service project. It is with a hopeful heart that I urge you to move forward with this funding bill so that this long awaited project may take the next step to fruition without a loss of previously approved funding and without delay.

Respectfully,

Victoria L. Kalman

Victoria L. Kalman